

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA AT ELKINS**

**FRIEDRICHS HARRIS, ADMINISTRATOR OF
THE ESTATE OF EVAN M. HARRIS,**

Plaintiff,

v.

**CIVIL ACTION NO.: 2:16-cv-00046
JUDGE BAILEY**

**Q&A ASSOCIATES, INC.,
ANGELA SHOCKLEY, KEITH BISHOP,
MATTHEW SHOCKLEY, SANDY
SCHMIEDEKNECHT, and TAMMY ROBBINS.**

Defendants.

**DEFENDANTS' REPLY TO PLAINTIFF'S
RESPONSE IN OPPOSITION TO PARTIAL MOTION FOR AMENDED
SCHEDULING ORDER AND NEW TRIAL DATE**

COME NOW, Defendants, Q&A Associates, Inc. (hereinafter "Q&A"), Angela Shockley, Keith Bishop, Matthew Shockley, Sandy Schmiedeknecht, and Tammy Robbins (collectively "Defendants"), and reply to Plaintiff's response in opposition to Defendants' Partial Motion for Amended Scheduling Order and New Trial Date.

Although the Plaintiff has filed a response in opposition to setting a new trial date in this case, the Plaintiff failed to address the Plaintiff's own request for consolidation of the instant case with the Civil Action No. 2:18-cv-39, *Harris v. Reyes*, which would require moving the trial date. See *Harris v. Reyes Complaint*. To add a new party and consolidate these cases would require a new scheduling order to allow discovery to be properly conducted upon all parties.

Pursuant to Rule 42(a) of the *Federal Rules of Civil Procedure*:

If actions before the court involve a common question of law or fact, the court may:

- (1) join for hearing or trial any or all matters at issue in the actions;
- (2) consolidate the actions; or
- (3) issue any other orders to avoid unnecessary cost or delay.

Fed. R. Civ. P. 42(a).

The instant case and the *Harris v. Reyes* case, Civil Action No. 2:18-cv-39, involve common questions of law and fact and both are pending in the United States District Court for the Northern District of West Virginia. Accordingly, the handling of both cases by the same judge in the same action is likely to result in substantial savings of judicial time and effort. "District courts have broad discretion under F. R. Civ. P. 42(a) to consolidate cases pending in the same district." *A/S J. Ludwig Mowinckles Rederi v. Tidewater Const. Co.*, 559 F.2d 928 (4th Cir. 1977). Because no depositions have occurred to date in this case, consolidating the actions will allow both actions to be efficiently discovered and litigated.

WHEREFORE, for the foregoing reasons and the reasons previously discussed in Defendants' Partial Motion for Amended Scheduling Order and New Trial Date, Q&A Associates, Inc., Angela Shockley, Keith Bishop, Matthew Shockley, Sandy Schmiedeknecht, and Tammy Robbins move the Court to consolidate Civil Action No. 2:18-cv-39, *Harris v. Reyes*, with this action, enter a Second Amended Scheduling Order and a new trial date for this matter.

DEFENDANTS,

By Counsel

/s/ Lindsey M. Saad
Lindsey M. Saad (WV Bar No. 11155)
John T. McCartney (WV Bar No. 12242)
FLAHERTY SENSABAUGH BONASSO PLLC
48 Donley Street, Suite 501
Morgantown, WV 26501
(304) 598-0788
(304) 598-0720 (fax)
Isaad@flahertylegal.com
jmccartney@flahertylegal.com

and

Thomas V. Flaherty (WV Bar No. 1213)
FLAHERTY SENSABAUGH BONASSO PLLC
200 Capitol Street
P.O. Box 3843
Charleston, WV 25338
(304) 345-0200
(304) 345-0260 (fax)
tflaherty@flahertylegal.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA AT ELKINS**

**FRIEDRICHS HARRIS, ADMINISTRATOR OF
THE ESTATE OF EVAN M. HARRIS,**

Plaintiff,

v.

**CIVIL ACTION NO.: 2:16-cv-00046
JUDGE BAILEY**

**Q&A ASSOCIATES, INC., A WEST VIRGINIA
CORPORATION, ANGELA SHOCKLEY, KEITH
BISHOP, MATTHEW SHOCKLEY, AND SANDY
SCHMIEDEKNECHT, and TAMMY ROBBINS.**

Defendants.

CERTIFICATE OF SERVICE

I certify that on this 14th day of June, 2018, I filed electronically via CM/ECF a true copy of **“DEFENDANTS’ REPLY TO PLAINTIFF’S RESPONSE IN OPPOSITION TO PARTIAL MOTION FOR AMENDED SCHEDULING ORDER AND NEW TRIAL DATE”** with notice of the same being electronically served by the Court, addressed to the following:

David A. Sims, Esq.
Law Offices of David A. Sims, PLLC
P.O. Box 5349
Vienna, WV 26105

/s/ Lindsey M. Saad
Lindsey M. Saad (WV Bar No. 11155)